

RESPONSE UNDER C.F.R § 1.116  
U.S. Application No. 10/669,651  
Attorney Docket No. Q77613

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 1-34 and 37-41 are pending in the application. Claims 1-34, 37 and 39-41 have been allowed. The rejection of claim 38 is respectfully submitted to be obviated in view of the remarks presented herein.

**Rejection Under 35 U.S.C. § 102(a) - Johansen<sup>1</sup>**

Claim 38 has been rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Johansen (U.S. Publication Number US 2003/0048452). The rejection is respectfully traversed.

Applicant's claimed invention relates to a measuring apparatus which uses attenuated total reflection, and comprises a measuring unit, an illuminating means, a wavelength selecting means and a two-dimensional optical detecting means. The wavelength selecting means comprises a separating means, a selecting means, and a sweeping means, wherein the sweeping means changes the relative angle of a light beam output from the separating means to the selecting means, and the wavelength selecting means is adapted to select a plurality of collimated light beams of different wavelength simultaneously.

The disclosure of Johansen does not anticipate the claimed invention. Particularly, Johansen does not teach the sweeping means of the of the wavelength selection device. Though the Examiner refers to several individual color filters and the orientations of such filters as

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<sup>1</sup> Applicant again notes that Johansen does not qualify as prior art under 35 U.S.C. § 102(a).

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teaching the sweeping element, there is no suggestion that the beam splitter or filters change a relative angle of a light beam output from a separation device to the selecting device. It is also not clear what element the Examiner is referring to as teaching the sweeping means.

Johansen's beam splitter is able to provide different sets of wavelength outputs to the plural filters without changing the orientation of the splitter. Therefore, there is no explicit or inherent teaching in Johansen for a sweeping device as claimed.

At least by virtue of the aforementioned differences, Applicant's claimed invention distinguishes over Johansen. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(a) are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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#### CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Gordon J. STOCK JR. at the Patent and Trademark Office on January 19, 2006 at 571-273-8300.

Respectfully submitted,

  
Lenny R. Jiang